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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,706	03/24/2004	Hiroshi Okamoto	YAESU.68197	5615
7590 07/14/2006			EXAMINER	
Michael J. Moffatt Fulwider Patton Lee & Utecht, LLP Suite 1550 200 Oceangate Long Beach, CA 90802			PHAM, THOMAS K	
			ART UNIT	PAPER NUMBER
			2121	
DATE MAILED: 07/14/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/807,706	Applicant(s) OKAMOTO, HIROSHI	
	Examiner Thomas K. Pham	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-21 is/are allowed.
- 6) ☒ Claim(s) 15-17 and 22 is/are rejected.
- 7) ☒ Claim(s) 17 and 19-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

First Action on the Merits

1. Claims 15-22 of U.S. Application 10/807,706 filed on 03/24/2004 are presented for examination.

Quotations of U.S. Code Title 35

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ541, 550-551 (CCPA 1969)" (MPEP p2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

Claim Objections

7. Claims 17, 19-21 are objected to because of the following informalities: the claims dependency do not reflect new claims numbering, for example, claim 17 still depends on original claim 5 instead of claim 15. Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. Claims 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,097,991 ("Hamel").

Regarding claim 15

Hamel teaches the invention including a radio control device comprising: a first set of input mechanisms each having similar characteristics and located on the radio control device, said first set of input mechanisms initially undefined with respect to operational functions of the radio

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control device IS TAUGHT as the first finger pad initially undefined with respect to the operational function of the radio device (see C 3 L 52-65); means for assigning operational functions of a first type to each of the first set of input mechanisms IS TAUGHT as the first finger pad is associated with program sequence number two (see C 4 L 15-17); a second set of input mechanisms each having similar characteristics that differ from said first set of input mechanisms, and located on the radio control device, said second set of input mechanisms initially undefined with respect to operational functions of the radio control device IS TAUGHT as the second finger pad that is differ from the first finger pad initially undefined with respect to the operational function of the radio device (see C 3 L 52-65); means for assigning operational functions of a second type to each of the second set of input mechanisms IS TAUGHT as the second finger pad is associated with program sequence number three (see C 4 L 17-20); and identification means for indicating the assigned operational function given to each of the input mechanisms IS TAUGHT as a finger pad contact indicates to the microcomputer the assigned operational function given to that particular finger pad (see C 1 L 60 to C 2 L 4, and C 3 L 6-10).

Regarding claim 16

Hamel teaches the first set of input mechanisms and second set of input mechanisms are selected from the group including rotary encoders, push button switches, and potentiometers (C 2 L 53-61).

Regarding claim 17

Hamel teaches the operational functions are selected from the group including frequency adjustment, volume adjustment, squelch adjustment, and bandwidth adjustment (C 2 L 46-52, "the hardware is the ... produce the audio system").

Claim Rejections - 35 USC § 103

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,911,121 ("Andrews") in view of U.S. Patent No. 5,437,044 ("Hohner").

Regarding claim 22

Andrews teaches the invention including a hand held radio control device comprising: an antenna (FIG. 1, antenna 34); a microcomputer (FIG. 1, microprocessor 12); a transmitter (FIG. 1, transmitter 26); a plurality of command input devices used for wireless remote control of a remote device IS TAUGHT as plurality of different keypads configured for different model of mobile telephone (see C 3 L 17-40).

Andrews does not specifically disclose a data link connecting the hand held radio control device's microcomputer with an external computer; and means for reassigning functions of said command input devices using said data link.

However, Hohner teaches a data port for receiving instructions from an external computer (C 4 L 7-12) and a controller for coordinating the input mechanisms with their respective assigned control operational function (C 3 L 57-61), where said assignments of each control operational function by the user are first performed on an external computer (C 3 L 67 to C 4 L 6), and then such assignments are converted into instructions for the controller and communicated by the external computer to the controller of the device via the data port (C 4 L 13-30) for the purpose of providing switching over between programming mode and the operating mode which enable modifications in the program quicker and easier.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the external computer and controller of Hohner with the

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mobile telephone device of Andrews because it would provide for the purpose of providing switching over between programming mode and the operating mode which enable modifications in the program quicker and easier (C 1 L 65 to C 2 L 16).

Allowable Subject Matter

10. Claims 18-21 are allowed in condition that the claims dependency objection above are corrected.

11. The following are the reasons for indicating allowable subject matter:

The prior art of record fails to teach or fairly suggest to one of ordinary skill in the art at the time of the invention, in conjunction with all the other claimed limitations, including: a controller for coordinating the input mechanisms with respect assigned radio control operational function, where said assignments of each radio control operational function by the user are first performed on an external computer, and then such assignments are converted into instructions for the controller and communicated by the external computer to the controller of the radio control device via a data port, etc., as set forth in the claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner



July 10, 2006